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EXAMINER

PHAM, CHRYSTINE

ART UNIT	PAPER NUMBER
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2192

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/970,134

Applicant(s)

NGUYEN ET AL.

Examiner

Chrystine Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 26, 2006 has been entered.
2. This action is responsive to Amendment filed on October 26, 2006. Claims 1-38 had been canceled. Claims 39, 47, 55 and 64 have been amended. Claims 39-72 are pending.

Response to Arguments

3. Applicant's arguments filed October 26, 2006 have been fully considered but they are not persuasive.

First, Applicants contend that "Henry teaches away from the system wherein a software installation utility is downloaded along with one more drivers and then used to install such driver remotely" because Henry is directed to a remote software installation system wherein "no software is needed on the remote system" (Remarks, page 11, starting on last paragraph). The Examiner respectfully disagrees and submits that this is a misreading of Henry. As

established in the Final Office Action (page 4), Henry teaches a system and method for installing printer drivers in **networked computers** wherein a graphical user interface is generated to identify the available printer driver and to **receive user input directing the loading of the driver to said computers** (see at least *Local Printer Install* Fig.2 & associated text; *Local Computer* Fig.3 & associated text; *Printer Drivers* Fig.5 & associated text; *Install GUI 701* Fig.7 & associated text; 802, 803 Fig.8 & associated text). In FIG.6 & associated text (see at least col.4:56-6), Henry further teaches the **user** selecting installation options through a user interface and **saving the installation options as a script**. The same passage expressly discloses the **script** is a list of instructions to **automatically install software (e.g., printer drivers) with the selected options**. The script can then be executed to install software (e.g., printer drivers) in multiple computers simultaneously. Thus, the **script** clearly anticipates the "installation utility" associated with the selected printer drivers which automatically installs the printer drivers in the remote computers (i.e., commencing operation of the software installation utility). Thus, the "no software is needed on the remote system" should be understood as "no installation utility" needs to exist on the remote system **prior** to the installation of a particular printer driver because as discussed above, the script is the installation utility (associated with the selected printer driver) that will automatically install the user-selected printer driver in the remote system.

Second, Applicants argument that “all claims as amended are far removed from the teachings of Cantwell” which is directed to a system that downloads and installs executable code ...” (Remarks, page 12, 2nd full paragraph). As established in the Final Office Action (page 5), Cantwell was only relied upon to teach [a GUI displaying] **a listing** [of software drivers] per se. In other words, established in the Final Office Action (page 4), FIG.5 of Henry already discloses a GUI displaying printer drivers to be selected by the user for installation. The only thing that is missing from Henry is that each of the multiple printer drivers is not displayed in **a listing** (which is being supplied by Cantwell). Thus, Applicants' argument is not persuasive.

Finally, Applicants contend that since Rosen is directed to a system for “automatically communicating the built-in device driver to the computing device” such that the “user is not required to locate, install and configure a device driver before using the printing device” therefor is removed from the claimed “user driven driver selection, download and installation” (Remarks, page 12, last paragraph). The Examiner respectfully disagrees and submits that the embodiment mentioned above is only one of a plurality of embodiments disclosed by Rosen. As established in the Final Office Action (page 4), step 306 FIG.3 and paragraphs [0033]-[0034] of Rosen clearly discloses the computer user deciding whether to select the printer driver from the printer for installation. Step 310 clearly anticipates the user selecting the printer driver (provided by the

printer) for installation. As an alternative, step 308 discloses the computer user obtaining the printer driver from another source. Paragraph [0043] then further discloses the computer user utilizing the **help file** for installing printer drivers. The same paragraph discloses the help file containing and URL web page address that contains the printer driver. Needless to say, the web page address containing the printer driver is another source, from which the user can select a printer driver in step 308 of FIG.3. Thus, contrary to Applicants' argument, Rosen clearly anticipates "user driven driver selection, download and installation".

In view of the foregoing discussion, claim rejections under 35 USC 103 are considered proper and maintained.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 39-40, 42-45, 47, 48, 50-53, 55-56, 58-62, 64-65, 67-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen of record (US

2003/0048473 A1) in view of Henry et al. (US 6681392, hereinafter Henry)
further in view of Cantwell (US 6594690 B2).

Claim 39

Rosen teaches a system for network-based uploading (i.e., providing) of drivers (i.e., device software) (see at least 414, 412, 410 Fig.4 & associated text; *printer drivers 414, printer 402 or 404* paragraph [0038]; paragraph [0012]) for document processing devices (i.e., network peripheral devices or printers) (see at least 402, 404 Fig.4 & associated text) comprising:

- means adapted for selectively receiving into a memory (see at least *memory 112* Fig.1 & associated text) integrated with a document processing controller, a plurality of alternative software drivers (see at least *printer driver 114* Fig.1 & associated text; see 414 FIG.4 & associated text) for use with associated workstations (i.e., client machines) (see at least *computing devices* paragraph [0029]) in data communication with a document processing device means associated with the controller (see at least *print engine, processor, storage device, printer driver, computing device* paragraph [0013]; *communication application 116* Fig.1 & associated text);
- user interface generation means including means adapted for generating a user interface on the associated workstations (see at least paragraph [0021]; steps 302-304 Fig.3 & associated text), which user interface includes data

- representative of at least one available software driver stored in the memory (see at least 304, 306 Fig.3 & associated text);
- input means adapted for receiving user input (see at least 310 Fig.3 & associated text), via the user interface, which user input selectively directs loading of the at least one software driver to a storage area on the associated workstation (i.e., client machine) (see at least 310, 308 Fig.3 & associated text; paragraphs [0033]-[0034], [0043]); and
 - means adapted for commencing, in accordance with user input, a transfer (i.e., downloading) of software from the memory to the storage area, the software including the at least one of software drivers to the storage area (see at least 312 Fig.3 & associated text).

Rosen does not expressly disclose said user interface as a **graphical** user interface and downloading at least one software installation utility associated with at least one of the plurality of software drivers to the workstations from the document processing device. However, Henry teaches a system and method for installing printer drivers in networked computers wherein a graphical user interface is generated to identify the available printer driver and to receive user input directing the loading of the driver to said computers (see at least *Local Printer Install* Fig.2 & associated text; *Local Computer* Fig.3 & associated text; *Printer Drivers* Fig.5 & associated text; *Install GUI* 701 Fig.7 & associated text; 802, 803 Fig.8 & associated text) wherein the user selection of the script install option (associated with the selected drivers) (i.e., software installation utility) will automatically install the selected drivers to the remote computers

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(see at least FIG.2 & associated text). Rosen and Henry are analogous art because they are directed to installation of printer drivers on networked computers. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Henry into that of Rosen for the inclusion of a graphical user interface and downloading the installation utility to the workstation so as to install the at least one software driver thereon. And the motivation for doing so would have been to control the installation of printer drivers on remote computers from a local computer (see at least *Henry* col.2:30-67).

The combined teaching of Rosen and Henry does not expressly the GUI including a **list[ing]** of said each of the plurality of software drivers, *per se*. However, Cantwell discloses a system and method for installing drivers in network computers (see at least Abstract; FIG.1 & associated text; FIG.2 & associated text) wherein the user interface includes a list of each of the available drivers (see at least *list of drivers* col.1:34-44). Rosen, Henry and Cantwell are analogous art because they are directed to installing drivers for networked computers. It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to incorporate the teaching of Cantwell into that of Rosen and Henry for the inclusion of a **list** of available drivers. And the motivation for doing so would have been to allow newly connected networked computers to install more than one printer driver thus enable immediate printing to more than one printers (i.e., document processing controllers) via the network (see at least Rosen paragraph [0042]).

Claim 40

The rejection of base claim 39 is incorporated. Rosen (as modified by Henry) teaches the graphical user interface generation means further includes means adapted for generating a graphical user interface on the associated workstations, which graphical user interface includes data representative of an alternative software driver to the at least one available software driver, which alternative software driver is stored in the memory (see at least *printers 402 and 404, download updated printer drivers 414* paragraph [0038]); and the input means includes means adapted for receiving user input, via the graphical user interface, which user inputs directs loading of the alternative software driver to a storage area on the associated workstation (see at least *310 Fig.3 & associated text*).

Claim 42

The rejection of base claim 39 is incorporated. Rosen (as modified by Henry) further teaches comprising means adapted for initiating generation of the user interface upon a loading of the at least one of the plurality of available software drivers into the memory associated with the document processing controller (see at least paragraphs [0040]-[0041]; *502-510 Fig.5 & associated text*).

Claim 43

The rejection of base claim 39 is incorporated. Rosen (as modified by Henry) further teaches wherein the document processing device includes a printing device, and wherein the software driver is comprised of a printer driver (see at least *print engine 102, printer driver 114* Fig.1 & associated text).

Claim 44

The rejection of base claim 43 is incorporated. Rosen (as modified by Henry) further teaches wherein the storage area includes at least one of a hard disk and non-volatile memory in data communication with the printing device (see at least *hard disk drive, nonvolatile memory* paragraphs [0027]-[0028]).

Claim 45

The rejection of base claim 43 is incorporated. Rosen further teaches wherein the means adapted for commencing transfer of the at least one of the plurality of software drivers to the storage area includes means adapted for commencing transfer automatically once the user selectively directs loading of the at least one of the plurality of software drivers to the associated storage area (see at least 312 Fig.3 & associated text).

Claims 47, 48, 50-53, 55-56, 58-62, 64-65, 67-71

Claims recite limitations which have been addressed in claim 45, therefore, are rejected for the same reasons cited in claim 45.

6. Claims 41, 49, 57, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen in view of Henry in view of Cantwell further in view of Murata (US 6247081 B1).

Claim 41

The rejection of base claim 40 is incorporated. Rosen, Henry, and Cantwell do not expressly disclose wherein the alternative software driver is one that was previously loaded on the software workstation so as to facilitate selective rollback to an earlier driver version. However, Murata teaches a system and method of installing device drivers, in which a previously loaded (i.e., installed) driver is re-installed so as to facilitate selective rollback to an earlier driver version (see at least Abstract; col.10:55-65). Murata, Rosen and Henry are analogous art because they are directed to installation of device drivers. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Murata into that of Rosen and Henry for the inclusion of re-installing a previously installed driver version. And the motivation for doing so would have been to provide recovery from corrupted printer drivers, which are downloaded and installed (see at least Murata col.10:55-65).

Claims 49, 57, and 66

Claims recite limitations which have been addressed in claim 41, therefore, are rejected for the same reasons cited in claim 41.

7. Claims 46, 54, 63, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen in view of Henry in view of Cantwell further in view of Slivka et al. of record (US 6256668, hereinafter Slivka).

Claim 46

The rejection of base claim 43 is incorporated. Rosen, Henry, and Cantwell does not expressly disclose wherein the means adapted for commencing transfer of the at least one of the plurality of software drivers to the storage area includes means adapted for receiving user input to commence transfer once the user selectively directs loading of the at least one of the plurality of software drivers to the associated storage area (see at least col.10:1-17). Slivka, Rosen and Henry are analogous art because they are directed to installation of software. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Slivka into that of Rosen and Henry for the inclusion of receiving user input to commence transfer. And the motivation for doing so would have been to provide a safety and security measure for the user computer (see at least Henry col.10:1-17).

Claims 54, 63 and 72

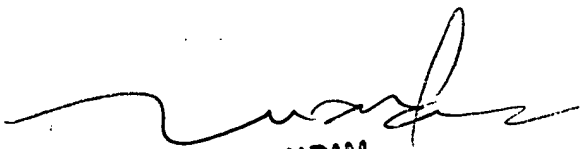
Claims recite limitations which have been addressed in claims 45 and 46, therefore, are rejected for the same reasons cited in claims 45 and 46.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chrystine Pham whose telephone number is 571-272-3702. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TUAN DAM
SUPERVISORY PATENT EXAMINER